

Message From the Governor

The following message, received from the Governor today, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,
May 10, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be branch pilot for the Galveston Bar and Houston Ship Channel for two year term to expire April 28, 1951:

Captain Charles H. McLean of Harris County, Texas.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Resolution Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following resolution:

S. C. R. No. 53, Providing for a Joint Session to accept a portrait of Ezekiel W. Cullen.

Recess

On motion of Senator Weinert, the Senate at 4:00 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTIETH DAY
(Continued)

(Wednesday, May 11, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Leave of Absence Granted

Senator Strauss was granted leave of absence for today on account of important business on motion of Senator Bullock.

Senate Resolution 159

Senator Bell offered the following resolution:

Whereas, The Senate was honored Tuesday to have as its guests twenty-

four students of Falls City School with their supervisors, Mr. Sydney Nieschwitz, Sister M. Cecilia Smykal, Sister M. Camilla and Mr. Fay Quintanilla; and

Whereas, These students and their teachers were on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, By the Senate of Texas, that these guests be officially welcomed and that a copy of this resolution be forwarded to the members of this group.

The resolution was read and was adopted.

Senate Bill 478 on First Reading

Senator Vick moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Martin
Carney	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert

Absent

McDonald Moore

Absent—Excused

Strauss

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Vick:

S. B. No. 478, A bill to be entitled "An Act to provide for continuous terms for the 77th District Court in Limestone and Freestone Counties; providing this Act shall be cumulative of Section 77 of Article 199, Revised Civil Statutes of Texas, 1925, and repealing said section only to the extent of conflict, and declaring an emergency."

To the Committee on Judicial Districts.

Senate Bill 479 on First Reading

Senator Vick moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Martin
Carney	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert

Absent

McDonald Moore

Absent—Excused

Strauss

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Vick:

S. B. No. 479, A bill to be entitled "An Act to provide for continuous terms for the 87th District Court in Anderson, Limestone, Freestone and Leon Counties; providing this Act shall be cumulative of Section 87 of Article 199, Revised Civil Statutes of Texas, 1925, and repealing said section only to the extent of conflict, and declaring an emergency."

To the Committee on Judicial Districts.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Morris submitted the following reports:

Austin, Texas,
May 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred House Bill No. 846, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MORRIS, Chairman.

Austin, Texas,
May 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred Senate Bill No. 432, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute for S. B. No. 432 do pass, in lieu thereof, and be printed.

MORRIS, Chairman.

C. S. S. B. No. 432 was read first time.

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas,
May 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 347, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman.

Austin, Texas,
May 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 217, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Austin, Texas,
May 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 478, have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Austin, Texas,
May 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 479, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,
May 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 1, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute and Amendment in lieu thereof do pass and be printed.

AIKIN, Chairman.

C. S. H. B. No. 1 was read first time.

Austin, Texas,
May 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 74, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

AIKIN, Chairman.

Austin, Texas,
May 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 867, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 638, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 901, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 465, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Tynan submitted the following report:

Austin, Texas,
May 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 537, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Chairman.

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,
May 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to whom

was referred H. B. No. 243, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman.

Senator Taylor submitted the following report:

Austin, Texas,
May 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 244, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

TAYLOR, Chairman.

Bills Ordered Not Printed

On motion of Senator Tynan, it was ordered that House Bill No. 915 be not printed.

On motion of Senator Hazlewood, it was ordered that House Bill No. 867 be not printed.

On motion of Senator Hardeman, it was ordered that House Bills Nos. 347, 686 and 901 be not printed.

House Concurrent Resolution 101

The President laid before the Senate for consideration at this time:

H. C. R. No. 101, Suspending the Joint Rules so that the House may consider House Bill No. 319 on Wednesday, May 11, or Thursday, May 12, 1949.

The resolution was read.

Senator Taylor offered the following amendment to the resolution:

Amend H. C. R. No. 101 by inserting after the figures "319" the following:

"and House Bill 322."

The amendment was adopted.

The resolution as amended was then adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

S. B. No. 52, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission containing 14.22 acres of land more or less, and being a part and parcel of the present campus of the North Texas State Teachers College at Denton, Texas, necessary for the relocation and improvement of U. S. Highway No. 77 from the west line of Avenue 'D' to the east line of Avenue 'I' in, and adjacent to, the City of Denton, Texas; and declaring an emergency."

S. B. No. 231, A bill to be entitled "An Act to regulate fishing in Lake Texoma, providing for license fees and a division of fees between Texas and Oklahoma, and empowering the Game, Fish and Oyster Commission to put the law in effect, repealing conflicting laws, and declaring an emergency."

S. B. No. 232, A bill to be entitled "An Act to provide for the sale by the Board of Regents of the State Teachers Colleges of one tract of land and trade and exchange a second tract for another tract, all situated in Hunt County; and declaring an emergency."

S. B. No. 256, A bill to be entitled "An Act amending Section 7 of S. B. 269, Acts 1945, 49th Legislature, p. 629, Ch. 358, to specifically permit any person, firm or corporation to sell, install or connect any butane gas appliance without license to do so from the Railroad Commission; and declaring an emergency."

S. B. No. 299, A bill to be entitled "An Act changing the name of the School or College of Mines and Metallurgy at El Paso to the 'Texas State College of Mines and Arts'; providing a changed meaning of the 'School or College of Mines and Metallurgy at El Paso,' or any reference thereto, wherever such name or reference appears in the Revised Statutes of Texas, 1925, or any amendments thereto, or in any Acts of the Legislature, or in any Constitutional Amendment; ratifying, confirming, and validating in behalf of the School or College of Mines and Metallurgy at El Paso all legislative acts, appropriations, and Constitutional Amendments heretofore passed or adopted in behalf of the School or College of Mines and Metal-

lurgy at El Paso; providing that funds allocated to and bonds or notes authorized to be issued by the College of Mines and Metallurgy under Section 17 of Article 7, Constitution of Texas, shall be allocated to and bonds or notes issued by and in the name of 'Texas State College of Mines and Arts'; and declaring an emergency."

(With amendments)

S. B. No. 315, A bill to be entitled "An Act to amend and re-enact Article 2597 of the Revised Civil Statutes of Texas of 1925, giving to the Board of Regents of the University of Texas exclusive authority to control, manage, and dispose of all minerals, other than oil and natural gas, in University lands; and declaring an emergency."

S. B. No. 324, A bill to be entitled "An Act amending Title 28, Chapter 1, Revised Civil Statutes of 1925, by adding thereto Article 974-1 so as to provide an additional method of annexing territory to cities having population greater than 5,000 inhabitants according to the last preceding or any future Federal Census and operating under the general laws of Texas; and declaring an emergency."

S. B. No. 395, A bill to be entitled "An Act authorizing the Commissioners' Courts of two or more counties, each having a population under Twenty-five Thousand (25,000) according to the last United States Census, to make an arrangement and agreement for the employment and compensation of a county auditor; providing for the appointment and qualification of such county auditor; prescribing his duties; fixing the salary and term of office; and providing that he shall be the County Purchasing Agent in each county; and providing that the provisions of this law shall be cumulative of all other provisions of the laws pertaining to county auditors; and declaring an emergency."

S. B. No. 417, A bill to be entitled "An Act to authorize the Board of Control to convey to the City of Brady, Texas, the water system and equipment situated outside the limits of the Brady State School for Delinquent Negro Girls at Brady, Texas; providing that the City of Brady enter into a contract to supply water approved for human consumption and for irrigation purposes in certain

quantities; providing for the burden of proof in the event of breach thereof; providing for the payment by the State of Texas of its pro rata share in event water is imported; and declaring an emergency."

S. B. No. 428, A bill to be entitled "An Act to amend Article 7583 of the Revised Civil Statutes of Texas, 1925, as heretofore amended by Chapter 49 of the Acts of the Forty-fourth Legislature, Regular Session, 1935, and declaring an emergency."

S. B. No. 450, Providing that corporations may be created to engage in the business of operating terminals for aircraft; and declaring an emergency."

S. B. No. 452, Authorizing the Commissioner of the General Land Office to reinstate sales of land in Fisher County; and declaring an emergency."

S. B. No. 111, A bill to be entitled "An Act providing for an open season on deer, turkey, quail and doves in McMullen County, Texas, and declaring an emergency."

H. B. No. 859, A bill to be entitled "An Act creating Fort Bend County Drainage District; prescribing its powers, duties and functions; abolishing all existing drainage districts within the District hereby created; containing a savings clause; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 277 with House Amendments

Senator Carney called S. B. No. 277 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Carney moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 361 on Second Reading

The President laid before the Senate as a special order for this hour on its second reading and passage to third reading:

H. B. No. 361, A bill to be entitled "An Act amending Section 2, Chapter 241, House Bill No. 755, Acts of the 44th Legislature, Regular Session, 1935, page 757, by adding to said section authority for the Comptroller to authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes, providing rules and regulations relating thereto, amending Section 3 of Chapter 241, House Bill No. 755, Acts of the 44th Legislature, Regular Session, 1935, and the amendments thereto prescribing the duties of the State Treasurer in invoicing, distributing and handling stamp metering machines, and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend House Bill No. 361 by adding at the end of Section 1 thereof the following:

"The term 'proper remittance' as used in this paragraph shall mean the amount of the tax covered by a distributor's request for a meter setting less a discount of one per cent (1%) of such amount."

Senator Bell moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—12

Ashley	Moffett
Bell	Morris
Jones	Phillips
Kelly of Tarrant	Shofner
Lock	Tynan
McDonald	Weinert

Nays—13

Aikin	Hazlewood
Bracewell	Martin
Bullock	Moore
Colson	Proffer
Corbin	Taylor
Cousins	Vick
Hardeman	

Absent

Carney	Kelley of Hidalgo
Harris	Lane
Hudson	

Absent—Excused

Strauss

Question recurring on the amendment, it was adopted.

Senator Taylor moved to lay the bill on the table.

The motion prevailed by the following vote:

Yeas—15

Ashley	Lock
Bullock	Martin
Carney	McDonald
Colson	Moore
Corbin	Proffer
Hardeman	Taylor
Hazlewood	Weinert
Hudson	

Nays—14

Aikin	Kelly of Tarrant
Bell	Lane
Bracewell	Moffett
Cousins	Morris
Harris	Shofner
Jones	Tynan
Kelley of Hidalgo	Vick

Absent

Phillips

Absent—Excused

Strauss

Motion to Place House Bill 159 on Second Reading

Senator Lane moved to suspend the regular order of business to take up H. B. No. 159 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—19

Aikin	Lane
Ashley	Martin
Bell	McDonald
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Hardeman	Shofner
Harris	Taylor
Hazlewood	Tynan
Kelly of Tarrant	

Nays—10

Bullock	Lock
Colson	Moffett
Cousins	Proffer
Hudson	Vick
Kelley of Hidalgo	Weinert

Absent

Jones

Absent—Excused

Strauss

House Bill 81 on Second Reading

The President laid before the Senate as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 81, A bill to be entitled "An Act amending Section 17 (b) of Article 3912 (e) of the Revised Civil Statutes of Texas (1925) so as to authorize the payment to precinct officers who are placed on a salary basis, a maximum salary of twenty-five per cent (25%) more than the maximum amount allowed such officers under laws existing August 24, 1935."

The bill was read second time.

(Senator Proffer in the Chair)

Senator Moffett offered the following amendment to the bill:

Amend House Bill 81 by striking out the words and figures sixty thousand (60,000) in sub-section (b) 2 of Section 1 of said bill and substituting in lieu thereof the words and figures seventy-five thousand (75,000).

MOFFETT
JONES
McDONALD

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend House Bill 81, Section 1, by striking out lines 25 through 27 (beginning with letters "1935" and ending with letters "1935", and substituting the following:

"1935, and not more than the maximum amount allowed such officer under laws existing August 24, 1935, and the Commissioners' Court in their discretion may increase the same twenty-five (25%) per cent thereof."

The amendment was adopted.

The bill was passed to third reading.

House Bill 81 on Third Reading

Senator Phillips moved that the constitutional rule requiring bills to

be read on three several days be suspended and that H. B. No. 81 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelley of Hidalgo
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert

Absent

Cousins	Moore
Kelly of Tarrant	Morris

Absent—Excused

Strauss

The presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Phillips offered the following amendment to the bill:

Amend H. B. No. 81 by striking out amendment No. 2, offered by Senator Moffett.

The amendment was adopted by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Nays—3

Bullock	Moffett
Martin	

Absent

Cousins Kelly of Tarrant

Absent—Excused

Strauss

The bill was passed by the following vote:

Yeas—26

Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Aikin	Cousins
Corbin	Morris

Absent—Excused

Strauss

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

H. B. No. 176, A bill to be entitled "An Act amending Section 2 of Senate Bill No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, establishing the central Bureau of Vital Statistics, providing for its general supervision and immediate direction, and providing for the appointment and qualifications of the State Registrar of Vital Statistics; and declaring an emergency."

H. B. No. 224, A bill to be entitled "An Act conveying the title of the State of Texas to Lot No. 17, in Block No. 71, of the Original Townsite of Borger, Hutchinson County, Texas, as is shown by the recorded map or plat thereof in the Deed Records of said County, acquired by the State under

Tax Sale; and declaring an emergency."

H. B. No. 290, A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of 1925, as amended by Acts of 1943, 48th Legislature, Regular Session, page 617, Chapter 357, Section 1, providing that no widow of a Confederate Veteran born since January 1, 1875, shall be entitled to a widow's pension; and declaring an emergency."

H. B. No. 543, A bill to be entitled "An Act to authorize Commissioners' Courts to purchase, build or construct buildings and other permanent improvements to be used for annual exhibits of horticultural and agricultural products, and/or livestock and mineral products of the county, and providing for the location and payment therefor; authorizing the issuance of negotiable bonds for such purpose and the levy and collection of taxes in payment thereof; and declaring an emergency."

H. B. No. 598, A bill to be entitled "An Act enabling the Game, Fish and Oyster Commission of the State of Texas to acquire solid units of land in Brewster, Hudspeth and Culberson Counties, by sale, exchange or purchase of land; limiting the amount of land which may be exchanged; prescribing the manner of purchase or exchange; providing for disposition of any moneys acquired hereunder; and declaring an emergency."

H. B. No. 750, A bill to be entitled "An Act providing that any person who has been convicted of any felony except those restored to full citizenship and right of suffrage or shall have been pardoned, shall not be qualified to hold any State, county, precinct, or municipal office in this State; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 902, A bill to be entitled "An Act fixing the compensation of Deputy Sheriffs in Wilbarger County; and declaring an emergency."

H. B. No. 903, A bill to be entitled "An Act authorizing any city or town within this State to enter into a contract with any District or authority created under Article XVI, Section 59 of the Constitution, for supplying water to such City and authorizing

such City to lease its water production, water supply and water supply facilities to such District, or make a contract with such District for the operation of such water facilities; providing that any contract may provide that the City shall not obtain water from any source other than the District except to the extent provided in such contract; requiring an election and prescribing the procedure for the authorization of such contract; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 918, A bill to be entitled "An Act creating an additional District Court in and for Bexar County, to be known as the 105th Judicial District; prescribing its jurisdiction and fixing the terms; providing for the appointment of a judge for the 105th District Court and providing his compensation; providing that the Sheriff of Bexar County, District Clerk of Bexar County and the Criminal District Attorney of Bexar County shall be the Sheriff, Clerk and District Attorney respectively and prescribing their duties; providing for the appointment of an official court reporter for the 105th Judicial District, prescribing his duties and fixing his compensation, and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Bill 24 on Second Reading

The presiding officer laid before the Senate as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 24, A bill to be entitled "An Act declaring the floods in Bexar, Wilson, Karnes and Goliad Counties, Texas, to be public calamity; authorizing a donation and grant to the San Antonio River Canal and Conservancy District of all of the State ad valorem taxes collected in said counties for two years; providing that such donated taxes shall be used for construction and operation of flood control improvement and in aid thereof; specifying the reports thereon to be made by the Assessor and Collector of Taxes; making existing State laws applicable to contracts, receipts and disbursements and accounting for said public funds; suspending all laws in conflict; and declaring an emergency."

The bill was read second time.

(President in the Chair)

Question—Shall the bill be passed to third reading?

Senate Resolution 161

Senator Kelly of Tarrant offered the following resolution:

Whereas, We are becoming increasingly more aware of the advantages of and the potentialities of the industrialization of Texas, and

Whereas, We are endeavoring to create and maintain a climate attractive to industries, and

Whereas, The progressive citizens of Fort Worth, Texas, recognizing these advantages and potentialities and desiring to promote the industrial welfare of Texas have instituted the Southwestern Industrial Exposition, and

Whereas, The Southwestern Industrial Exposition is being held for the second year in Fort Worth on May 8 through 15, 1949, and

Whereas, The enthusiastic response to this second annual exhibit of articles manufactured in the Southwest is proof of the interest of Texas manufacturers and Texas businessmen in the progress being made in the field of industry in our great State, be it, therefore,

Resolved, That we congratulate the founders and sponsors of the Southwestern Industrial Exposition on their public-spirited efforts and their successful promotion of industry in this area, and be it further

Resolved, That members of the Senate be urged to attend this Exposition and observe the progress we have made in industrialization in the Southwest, and be it further

Resolved, That copies of this resolution be printed and presented to those responsible for the Southwestern Industrial Exposition.

The resolution was read and was adopted.

House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time and referred to the committee indicated:

H. B. No. 859, to Committee on Water Rights, Irrigation and Drainage.

Session for Local Calendar

On motion of Senator Lane, the Senate agreed to hold a session for the consideration of local and uncontested bills at 9:00 o'clock a.m. tomorrow.

Bills Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 691, A bill to be entitled "An Act creating a co-educational institution of higher learning in the City of Denton, Denton County, Texas, to be known as North Texas State College; etc.; and declaring an emergency."

H. B. No. 489, A bill to be entitled "An Act to amend Section 16, Acts 1941, 47th Legislature, page 188, Chapter 136, to fix the compensation of the County Court at Law of Travis County, and declaring an emergency."

H. B. No. 298, A bill to be entitled "An Act to amend Section 1, Chapter 283, Acts of the Forty-ninth Legislature, 1945, so as to provide for the payment of increased pensions to the widows of Confederate Veterans who have not been admitted as inmates of the Confederate Home of this State; and declaring an emergency."

H. B. No. 8, A bill to be entitled "An Act to amend Article 1011, Revised Civil Statutes of Texas, 1925, so as to empower the City Council or other governing body of all incorporated cities and towns of the State to pass penal ordinances containing a penalty or fine not to exceed Two Hundred (\$200) Dollars instead of the maximum penalty of One Hundred (\$100) Dollars as now provided in said Article; and declaring an emergency."

H. B. No. 462, A bill to be entitled "An Act to amend Article 977 of the Revised Civil Statutes of Texas of 1925 and Article 999 by adding Article 999a; allowing the governing body of any city less than 5,000 and more than 3,000 to dispense with the office of City Marshal; allowing the governing body of such cities to appoint a City Police Officer; providing a savings clause; and declaring an emergency."

H. B. No. 329, A bill to be entitled "An Act to authorize and empower the governing body of the Harris County Flood Control District to provide for and administer a retirement, disability and death compensation fund for the appointive officers and employees of the district, when it has been authorized by a majority vote of the district in an election held for the purpose; etc.; and declaring an emergency."

H. B. No. 590, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of Texas, 1925, as amended by Act of the 50th Legislature, Chapter 326, page 560, so as to provide for County Juvenile Boards in counties having a population of eighty thousand (80,000) and less than eighty-four thousand (84,000) inhabitants according to the last preceding Federal Census, and providing for salaries for their members; providing a savings clause and declaring an emergency."

H. B. No. 730, A bill to be entitled "An Act to amend Sections 1, 14, 15, 16, and 17 of Senate Bill 296, Chapter 344, 50th Legislature, Regular Session; and declaring an emergency."

H. B. No. 104, A bill to be entitled "An Act amending Article 1377 of the Penal Code of the State of Texas, providing for a more efficient law prohibiting hunting, fishing or camping on the enclosed land of another without the consent of the owner; providing for penalties for the violation thereof; and providing for the arrest of such persons; and declaring an emergency."

S. B. No. 28, A bill to be entitled "An Act amending House Bill No. 17, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide that such Act shall be administered by the 'Texas Real Estate Commission,' providing for the appointment of such Commission and the qualifications and tenure of the members; providing for an Administrator, defining the powers, duties and responsibilities of the Commission and the Administrator and the compensation of the Commission and the Administrator; providing for a bond by the Administrator; making provision for license fees; making provision for the transfer of records from the Secretary of State to the 'Texas Real Estate Commission'; making provision for

licenses already issued; making provision for process, notices, applications, orders and other instruments issued or filed at the time this Act becomes effective; making provisions for pending suits; providing that the 'Texas Real Estate Commission' shall stand in lieu of the Secretary of Texas and the Administrator of the Securities Division in so far as House Bill No. 17, Acts of the Regular Session of the Forty-sixth Legislature, is concerned; making certain exceptions thereto; providing criminal penalties and enforcement actions for violations; providing a savings clause; and declaring an emergency."

Recess

Senator Carney moved that the Senate recess until 9:00 o'clock tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—17

Aikin	Lane
Ashley	Lock
Bracewell	McDonald
Carney	Moffett
Cousins	Moore
Hardeman	Shofner
Harris	Taylor
Hudson	Weinert
Kelly of Tarrant	

Nays—12

Bell	Kelley of Hidalgo
Bullock	Morris
Colson	Phillips
Corbin	Proffer
Hazlewood	Tynan
Jones	Vick

Absent

Martin

Absent—Excused

Strauss

In Memory of
Doctor Marion Martin Brown

(Senate Resolution 160)

Senator Vick offered the following resolution:

Whereas, God in His infinite wisdom did on the 20th day of April, 1949, call from his earthly labors Doctor Marion Brown of Mexia, Texas.

Whereas, Doctor Brown was long prominent in the medical profession, having practiced in Texas 42 years. Many professional honors were bestowed on this man who worked so diligently for humanity's sake. Among them were: President of the State Board of Medical Examiners from 1943 to 1947 and a member since then; past member of the State Board of Health; past president of the Central Texas and Limestone County Medical Societies; Fellow of the American College of Surgeons, and recognition as an outstanding physician and surgeon in biographical publications.

Whereas, He was born January 30, 1884, in Groesbeck to Wiley Pickens and Mary Stephens Brown. He entered college when he was 18 and attended Baylor University and the University of Texas Medical School for two years before obtaining his degree in medicine from Tulane University in 1907. He did postgraduate work in London and Paris in 1925, and in Vienna in 1930.

Whereas, Doctor Brown's first practice was in Ben Hur and Wortham from 1907 to 1914, after which he moved to Mexia. He founded Brown Hospital in Mexia in 1922, and the Brown-Carrington Smith Clinic in 1944.

Whereas, Doctor Brown, also was active in civic affairs. In 1933-34 he was president of the Chamber of Commerce, and was a charter member and past president of the Lions Club.

Whereas, He was a member of the Phi Kappa Sigma and Alpha Kappa fraternities and of Springfield Lodge No. 74, AF&AM, Mexia.

Whereas, Doctor Brown was a Captain in the Medical Corps in World War I. He served overseas with the Mayo Base Hospital No. 26.

Whereas, Doctor Brown is survived by his wife, two daughters, Mrs. Dorothy Mitchell, San Angelo, and Miss Marjorie Brown, Mexia, and a son, Marion M. Brown, Jr., New York City.

Whereas, His passing will be greatly mourned by his many friends throughout the State of Texas and his loss is irreplaceable and it is the desire of the Senate of Texas to recognize and to pay tribute to the services and the useful life of Doctor Brown, and to express sympathy to his family; now, therefore, be it

Resolved, That we express to the immediate members of the family of the deceased our sincere sympathy and regret upon the passing of this beloved citizen; that a copy of this resolution be mailed to the members of the family of the deceased.

VICK

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Prof-fer, Shofner, Strauss, Taylor, Tynan, Weinert.

The resolution was read.

On motion of Senator Vick, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.